

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

PAMELA K. MORAN,)
)
)
Plaintiff,)
)
)
v.) Civil Case No.
)
)
WALMART ASSOCIATES, INC.,) **Removed from Outagamie Circuit Court**
) **Cause No. 09 CV 695**
)
Defendant.)

NOTICE OF REMOVAL

Defendant Walmart Associates, Inc. (“Walmart”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby timely serves notice of its removal of this action from Outagamie Circuit Court to this Court, and in support of same, Walmart states as follows:

1. Plaintiff Pamela K. Moran, currently a citizen of Outagamie County, Wisconsin filed this action in the Outagamie Circuit Court, where it was assigned Cause No. 09 CV 695, on April 3, 2009. On April 3, 2009, the Clerk of Outagamie County issued a Summons to Walmart in care of its Registered Agent.
2. A copy of the Summons and Complaint was served on Walmart’s registered agent on April 7, 2009, via process server.
3. Plaintiff is a citizen of the State of Wisconsin.
4. Defendant is a Delaware corporation with its principal place of business in Bentonville, Arkansas.
5. Pursuant to 28 U.S.C. § 1332, diversity of citizenship exists between Plaintiff and Defendant.

6. Plaintiff's Complaint does not set forth specific monetary damages. However, Plaintiff's Complaint seeks recovery of actual damages, compensatory damages and punitive damages, as well as costs and fees, and other relief as the Court may deem just and proper. Thus, the amount in controversy in the Lawsuit exceeds the sum of \$75,000.00, exclusive of interest and costs.

7. This case is within this Court's jurisdiction pursuant to 28 U.S.C. § 1332 by reason of the diversity of citizenship of the parties and the amount in controversy.

8. This case is properly removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. Pursuant to 28 U.S.C. § 1446(b), this notice is being filed within 30 days of service upon Defendant of Plaintiff's Complaint.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed promptly with the state court and served upon opposing counsel.

10. Pursuant to 28 U.S.C. § 1446(a), copies of all pleadings and process served upon Defendant are attached to this notice as Exhibit A.

WHEREFORE, Defendant notifies this Court, the state court, and the parties of the removal of this Lawsuit to the United States District Court for the Eastern District of Wisconsin, Green Bay Division.

Respectfully submitted,

s/Katherine Stotler Bayt _____

Susan M. Zoeller
E-mail: susan.zoeller@btlaw.com
Katherine Stotler Bayt (1060855)
E-mail: katie.bayt@btlaw.com
BARNES & THORNBURG LLP
11 S. Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 236-1313
Facsimile: (317) 231-7433

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served this 23rd day of April, 2009, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the following:

Bree A. Madison
SILTON SEIFERT CARLSON, S.C.
331 East Washington Street
Appleton, WI 54911

s/Katherine Stotler Bayt _____

Katherine Stotler Bayt